

May 20, 2019

VIA ECF

Hon. A. Kathleen Tomlinson
United States Magistrate Judge
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722-9014

**Re: Shear v. County of Suffolk, et. al.
Docket No.: 18-CV-3678 (JFB) (AKT)**

Your Honor,

The parties in the above referenced matter jointly submit this status letter to address the issues which Your Honor requested more information about in your order of March 14, 2019.

Regarding the first issue in Your Honor's order, the medical records of Officer Sandbichler: the defendants received the appropriate HIPAA releases from Officer Sandbichler and were furnished the records by the District Attorney's Office on April 1, 2019. The records were almost 600 pages in total. It was then necessary to redact Officer Sandbichler's personal information such as his date of birth and social security number which appeared on almost every page. The redactions have been completed and a copy of the records has now been provided to the plaintiff.

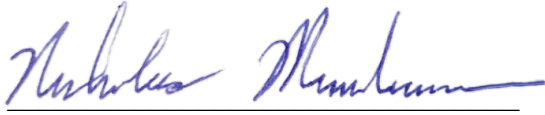
Regarding the second issue, the Internal Affairs investigation is still pending completion. However, the attachments to the report, including several recordings of interviews with the involved officers, have now been provided to the plaintiff.

Regarding the third issue, the parties understand that this litigation will move forward despite the appeal of Mr. Shear's criminal conviction. Plaintiff only requested a brief delay until he has been appointed appellate counsel, which we expect will occur shortly. At present Mr. Shear is in the narrow window of time where his trial lawyer has been relieved, but his appellate lawyer has not yet been appointed. During this window of time, Mr. Shear does not have representation to give him informed advice as to whether and when to exercise his right to remain silent. Once he has that representation, his counsel in this matter will work with appellate counsel to ensure that Mr. Shear understands the implications of any exercise of his right to remain silent on both his civil and criminal matters. Plaintiff hopes and expects that he will have been appointed appellate counsel before the July 9, 2019 status conference date, and that he will therefore be ready to appear for deposition shortly thereafter.

With the resolution of the above issues, all paper discovery has now been completed. Counsel for all parties expect that prior to the July 9, 2019 status conference they will have reached

an agreement concerning whom they wish to depose, including both party and non-party witnesses and the dates of the depositions. The number of witnesses in this matter are limited, and accordingly, counsel expect that fact discovery can be completed in relatively short order following the July 9 conference.

Thank you for your consideration.

A handwritten signature in blue ink, reading "Nicholas Mindicino", written over a horizontal line.

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/s/ Brian C. Mitchell

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